

Appl. No. 09/897,572
Atty. Docket No. 7949
Amdt. dated May 3, 2004
Reply to Office Action of February 3, 2004
Customer No. 27752

REMARKS

Claims 1-3, 6, 8, 10-13, 15, 17, 32, 35, 37-39, 45, 48, 59-65, and 73-81 are pending in the present application. No additional claims fee is believed to be due.

Claims 4, 5, 7, 9, 14, 16, 26-29, 36, 40-44, 51-56, 66 and 69 are canceled without prejudice.

Claims 1, 2, 3, 6, 8, 10, 11, 12, 13, 15, 17, 37, 62-65, and 73 have been amended to more specifically characterize the claimed invention of the present application.

In addition, new Claims 74-81 have been added. Support for this amendment is found as the preferably options of the originally filed claims.

Claims 18-25, 30, 31, 33, 34, 46, 47, 49, 50, 57, 58, 67, 68, 71, and 72 have been withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Applicants thank the Examiner for indicating that elected claims 15-17, 55, 56 and 73 had not been identified as amended. Applicants note that the structure formulae represented comprised missing substituents as filed, but in the U.S. provisional application no. 60/182,382, filed February 14, 2000, from which this application claims priority, said formulae show the missing substituents. These substituents were amended in the election restriction response filed November 7, 2003, but not indicated. Similar amendments can be found in the amendments to the specification in the present response.

Rejection Under 35 USC 112, Second Paragraph

The Office Action States Claims 1-17, 26, 29, 32, 35-45, 48, 51, 55-56, 59-66, 69 and 73 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 6-17 and 73 contain the phrase "preferably".

Claim 6, penultimate line "fule" is misspelled.

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Claim 11, the phrase "said combustion engine is diesel engine" does not place a further limitation to the composition per se.

Claim 13, the phrase "said combustion engine is a new compact diesel engine or other nontraditional engine" does not place a further limitation on the composition per se.

Claim 14(c), fourth bullet, is unclear.

Claim 15, the phrase "R wherein" is unclear.

Claim 26 is simply unclear.

Claims 55 and 56 are not understood and lack antecedent support.

Claim 66, the phrase "low ambient temperature conditions" is unclear.

Claim 73 lacks antecedent support for X, Y, Z, E and G, and "said nonlinear primary aliphatic Oxo alcohol (b)" and "said nonlinear diols (b)", nor is there support for their respective ratio.

Claim 29 provides for use of fuel composition, but fails to recite any further steps. Claim 29 is further rejected under 35 U.S.C. § 101 for failing to present a proper process claim.

Applicants have amended the indicated claims to address the Office Action's rejections. Preferably clauses have been removed and submitted as new claims. Claim 6 has been amended to remove the portion containing the misspelled word "fule". Claims 11 and 13 have been amended to remove the indicated phrases. Claim 14 has been canceled. Claim 15 has been amended to remove "R" from the phrase "R wherein". Claims 26, 29 and 66 have been canceled. Claims 55, 56, and 73 have been amended to provide clarity and antecedent support.

Rejection Under 35 USC 102 Over Franz (US 4,859,210)

Claims 1, 48, 49 and 60 are rejected under 35 U.S.C. § 102(b) as being anticipated by Franz (US 4,859,210).

Applicants submit that as amended, all of the elements of the claimed invention are not taught by Franz.

Rejection Under 35 USC 102 Over Yeh (US 6,447,557)

Claims 1, 29, 32, 41, 44, 48, 59, 60, 61, 64 and 65 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yeh (US 6,447,557).

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Applicants submit that as amended, all of the elements of the claimed invention are not taught by Yeh.

Conclusion

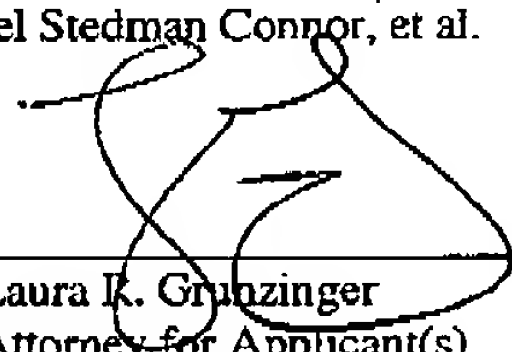
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §§112, second paragraph and 102. Early and favorable action in the case is respectfully requested. Applicants will gladly submit a substitute specification under 37 CFR § 1.125(a) at the request of the Examiner. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3, 6, 8, 10-13, 15, 17, 32, 35, 37-39, 45, 48, 59-65, and 73-81.

Respectfully submitted,

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